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10 MS. GIAMPAOLI: Thank you.

11 My name is Mary Ellen Giampaoli. I work with the
12 Nye County Department of Natural Resources and Federal
13 Facilities and I'm assisting in the review of this EIS.

14 As Mr. Bradshaw stated, the county has undertaken
15 its review of the Impact Statement and at this time we are
16 stating only our preliminary issues and comments.

17 Because of the size of the document, we will be
18 submitting our formal written comments at the end of the one
19 hundred days of the public comment period.

20 As noted, the purpose of the Impact Statement is
21 to identify and evaluate the potential impacts that will likely
22 occur when the Department begins the construction, operation
23 and closure of the proposed repository at Yucca Mountain.

1 24 Nye County finds that the DOE has prepared an
25 Impact Statement that presents the perspective of a single

1 federal agency and the analysis of the potential impacts
2 associated with the proposed action and its alternatives.

3 Unfortunately, the Impact Statement did not
4 incorporate any assumptions, methods, viewpoints, analyses or
5 data that were provided to them by the host county; that is Nye
6 County where the repository will be located.

7 Because of the narrow agency viewpoint, the
8 Impact Statement does not realistically define the affected
9 environment and the appropriate regions of influence.

10 It does not utilize quality data that was
2 11 selected by Nye County technical programs and it fails to
12 identify other federal actions and policies that affect Nye

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13 County, continue to affect Nye County and will affect Nye
14 County well into the future.

3 15 We find that the DOE analysis fails to consider
16 how this action will potentially affect the residents of Nye
17 County, those citizens who are most directly affected and will
18 suffer short-term consequences as well as the long-term risks
19 that are associated with Yucca Mountain.

4 20 Thus Nye County believes that the EIS is
21 inadequate and requests that a Supplemental EIS be prepared for
22 public review and comment.

23 As the host county, Nye County is the local
24 jurisdiction that is most affected by this action proposal.
25 NEPA affords local governments the opportunity to identify

1 potential impacts as they affect the local environment,
2 especially when an action is site specific as this Yucca
3 Mountain repository action is.

5 4 Just as the EIS acknowledged the views of the
5 Native American tribes in the region, the EIS must acknowledge
6 the views of Nye County.

7 The viewpoints and analysis that were previously
8 provided by the county which were referenced but not
9 incorporated should be formally adopted by the DOE within the
10 EIS as the official position of the host county.

11 As noted, Nye County will formally submit its
12 evaluation and its conclusions under the signature of the Nye
13 County Commissioners as the formal position of the affected
14 unit of local government.

15 Several inadequacies within the EIS I'm going to

16 bring up and just briefly summarize here.

6

17 First of all, as previously noted, DOE failed to
18 identify several of the indirect and the direct cumulative and
19 indirect cumulative impacts in the locales of proposed action
20 as is required by NEPA at 40 CFR 1508.27.

21 Nye County Office of Administrative Process
22 provided DOE with perspective on the issue, its analysis of the
23 action and the consequences.

7

24 DOE also fails to include reasonably foreseeable
25 action proposals identified in other federal, state and local
1 documents.

2 As was noted, actions of the Department of
3 Interior and Department of Defense have not been brought out as
4 well as other local governments, Clark County/Las Vegas Valley
5 Water District and your water plans and the waters of Nye
6 County.

8

7 DOE also relies upon analyses that were performed
8 by other agencies where such agencies had failed to identify
9 impacts to Nye County and its resources, even though Nye County
10 has not had a chance to comment during the NEPA process and
11 attempted to inform these agencies of these potential impacts.
12 Again, Nye County was ignored.

9

13 Further, the EIS fails to consider alternatives
14 that are actively being pursued. For instance, the Shoshone
15 reservation or the many storage proposals that are floating
16 about.

17 Although they are speculative, they are clearly
18 something that is being considered and -- and bandied about in

19 public forum.

10

20 On the other hand, it does evaluate alternative
21 that don't meet the DOE's mandates from the Nuclear Waste
22 Policy Act which we believe, although allowable under NEPA, is
23 just not quite right.

11

24 With respect to transportation, Nye County notes
25 the DOE does not meet any transportation commitments in the
1 EIS, and although we recognize that this is not required under
2 NEPA, such decisions and commitments are necessary for the host
3 county to effectively conduct their planning efforts.

4 Instead DOE has summarily determined that all
5 effects be absorbed by local jurisdictions, including Nye
6 County where all of the waste shipments will eventually
7 terminate.

8 Had DOE consulted with our Public Works and our
9 Roads Department, as NEPA recommends, the Department would have
10 found that the conclusions that are presented in this EIS are
11 not necessarily supported by the facts.

12 Nye County will in its comments provide DOE with
13 updated transportation information relative to the roads in Nye
14 County so that you may improve your transportation analysis.

12

15 Further, Nye County has developed transportation
16 criteria and has formal resolutions that could potentially
17 affect the transportation of radioactive waste on the roads of
18 Nye County.

19 These criteria resolutions are part of Nye
20 County's planning effort, and as such, the Department must
21 identify any inconsistencies with these criteria and address

22 how any resulting impacts will be mitigated.

13 23 Nye County finds it unacceptable for DOE to
24 identify, assess and evaluate alternatives for and the impacts
25 of repository transportation solely from the DOE's perspective
1 without the active participation of the host county.

14 2 Nye County expects that the DOE -- Nye County
3 expects the DOE analysis to include the specific transportation
4 proposal such as would be identified in the site
5 recommendation.
6 It is unacceptable to prepare a site
7 recommendation that doesn't include a specific proposal and
8 it's unacceptable to refrain from identifying that proposal and
9 analyzing that proposal in the EIS.

15 10 In that vain, Nye County finds that the shipment
11 of high-level waste down the US 95 corridor by legal weight or
12 heavy haul truck is inequitable and unacceptable,

16 13 The Chalk Mountain route, since it avoids rural
14 communities in Nye County, is the preferable route for rail
15 shipment and the only acceptable route for heavy haul shipment.
16 Again, the DOE chose the federal viewpoint by
17 deferring to the Air Force and identifying this alternative
18 routing as the non-preferred route.

17 19 Again, DOE has placed their federal emission
20 requirements over the health and safety concerns of the
21 citizens of Nye County.

22 MR. BROWN: And if you can wrap up here.

18 23 MS. GIAMPAOLI: Okay. With the cessation of
24 nuclear weapons testing in 1992, Nye County has made

25 substantial efforts to plan for its economic future in the US
1 95 corridor.

2 The DEIS does not recognize these plans and does
3 not reflect the DOE obligation to ensure that the Yucca
4 Mountain project will not thwart those plans.

19

5 Nye County, by virtue of its location,
6 characteristics and overwhelming federal presence has been
7 disproportionately impacted by past, present and continuing
8 federal action.

9 Nye County must receive just equity offsets,
10 mitigation and compensation from the United States to mitigate
11 the cumulative impacts of these past, present actions and the
12 proposed repository should it go forward.

13 Nye County's analysis and evaluations arrange
14 direct, indirect cumulative and direct cumulative have been
15 identified in areas of land use, water resources, lost economic
16 opportunity, perceived risks, stigma and others.

17 Nye County believes that these impacts, although
18 adverse and significant, can be mitigated through various
19 measures.

20 Finally, Nye County will present its technical
21 basis and evaluations to support this position that impacts
22 stemming from the implementation of this proposed action will
23 be mitigated and will continue to request mitigation.

24 Thank you.